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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,627	03/01/2002	Vincent Formale	RSW920020013 US1	3717
7590 Synnestvedt & Lechner LLP 2600 Aramark Tower 1101 Market Street Philadelphia, PA 19107			EXAMINER THEIN, MARIA TERESA T	
			ART UNIT	PAPER NUMBER
			3627	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/10/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/087,627

Applicant(s)

FORMALE ET AL.

Examiner

Marissa Thein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 27, 2006 has been entered.

### ***Response to Arguments***

Applicants' "Request for Continued Examination" filed on October 26, 2006 has been considered.

Claims 1-4, 7, 9-10, 12-14 and 17 are amended. Claims 1-18 remain pending in this application and an action on the merits follows.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the book "Intermediate Accounting", (pages 499-521) (tenth edition) in view of U.S. Patent No. 6,047,267 to Owens et al. and in further view of U.S. Patent No. 2002/0082966 to O'Brien**

Regarding claims 1 and 9, Intermediate Accounting discloses classifying an asset as capital or an expensed asset (page 518) comprising: selecting a minimum capitalization value (page 518); receiving purchase data signifying the acquisition of an asset (page 501; page 502); determining a machine type of the acquired asset (page 50; page 502); comparing the value assigned to said machine type of the acquired asset to said minimum capitalization value (page 509; page 514); and if the value for the machine type of the acquired asset is greater than or equal to said minimum capitalization value, classifying the asset as a capital asset, and if the value of the machine type of the acquired asset is less than the minimum capitalization value, classifying the asset as an expensed asset (page 518).

However, Intermediate Accounting does not explicitly disclose assigning with respect to each of a plurality of machine types an average value of a model of said machine type independent of a value of the acquired asset; and computer readable product embodied on computer readable media readable by a computing device.

Intermediate Accounting does disclose valuation of an asset (page 509). To properly reflect cost, assets purchased on long-term contracts are accounted for at the present value of the consideration exchanged between the contracting parties at the date of the transaction ("Deferred Payment Contract" page 509).

O'Brien, on the other hand, teaches assigning with respect to each of a plurality of machine types an average value of a model of said machine type independent of a value of the acquired asset. O'Brien teaches a benchmark value which is a numerical

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or financial value. The Numerical values can be aggregated, averaged, or otherwise manipulated or processed. (Paragraph 162) The benchmark information system is related to a particular asset against similar information for an entire group of similar assets. The system provides users with the ability to define the group of assets included in a particular analysis. (Paragraph 15) O'Brien further teaches benchmarking pool assets which can be selected on the basis of a shared characteristics, a shared data value for a particular characteristic (paragraph 159). Asset selection for benchmarking purposes should have some relevant characteristic or data value (paragraph 159). The benchmark characteristics include the type of asset (the type or model) paragraph 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Intermediate Accounting, to include assigning with respect to each of a plurality of machine types an average value of a model of said machine type independent of a value of the acquired asset, as taught by O'Brien, in order to automatically gather and analyze information relating to the maintenance of a plurality of assets, so as to maximize pertinent and industry wide data to facilitate increasingly informed purchasing decisions in the future (O'Brien paragraph 2).

Owens, on the other hand, teaches a computer readable product embodied on computer readable media readable by a computing device (col. 3, lines 14-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Intermediate Accounting, to include a computer readable product embodied on computer readable media readable by a computing device, as taught by Owens, in order to automatically gather and store information.

**Claims 2-8 and 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the book "Intermediate Accounting", (pages 499-519) (tenth edition) in view of U.S. Patent No. 6,047,267 to Owens et al. as applied to claims 1 and 9 above, and.**

Regarding claims 2-8 and 10-18, the combination of Intermediate Accounting and Owens substantially discloses the claimed invention, however, the combination does not disclose the models of the machine type; determining a value of the models; calculating the average value of the models; instructions for weighing the value of each model; weighting the value of each model as a function of predicted purchasing trends of models; the value of the models are derived from the manufacturer's suggested retail price of said model; the value of the models are derived from the manufacturer's base manufacturing cost; determining the values of a predetermined date; the date of commercial release; a data stem containing the purchaser orders; and reading the machine type out of a data field in the purchase order.

O'Brien, on the other hand, teaches the models of the machine type (paragraph 37; paragraphs 160-162; paragraphs 166-167); determining a value of the models (paragraph 37; paragraphs 160-162; paragraphs 166-167); calculating the average

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value of the models (paragraph 37; paragraphs 160-162; paragraphs 166-167); instructions for weighing the value of each model (paragraph 16; paragraph 137; paragraphs 75-77; paragraphs 158-162; paragraphs 163-167); weighting the value of each model as a function of predicted purchasing trends of models (paragraph 16; paragraph 137; paragraphs 75-77; paragraphs 158-162; paragraphs 163-167); the value of the models are derived from the manufacturer's suggested retail price of said model (paragraph 16; paragraph 137; paragraphs 75-77; paragraphs 158-162; paragraphs 163-167); the value of the models are derived from the manufacturer's base manufacturing cost (paragraph 16; paragraph 137; paragraphs 75-77; paragraphs 158-162; paragraphs 163-167); determining the values of a predetermined date (paragraph 16; paragraph 137; paragraphs 75-77; paragraphs 158-162; paragraphs 163-167); the date of commercial release (paragraph 16; paragraph 137; paragraphs 75-77; paragraphs 158-162; paragraphs 163-167); a data stream containing the purchaser orders (paragraph 37; paragraph 156; paragraph 158); and reading the machine type out of a data field in the purchase order (paragraph 37; paragraph 156; paragraph 158).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include the model and data stream containing the purchase order, in order to capture and retain information relating to cost and utilization of an asset in order to facilitate better procurement and other business decisions (O'Brien, paragraph 5).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot  
January 8, 2007

 1/8/06  
**MICHAEL CUFF**  
**PRIMARY EXAMINER**